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THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: **Hiroshi YOSHIDA et al.**

Group Art Unit: **2822**

Application Number: **10/516,687**

Examiner: **Bac H. Au**

Filed: **October 21, 2005**

Confirmation Number: **6611**

For: **FERROMAGNETIC GROUP IV-BASED SEMICONDUCTOR OR
FERROMAGNETIC GROUP III-V-BASED OR GROUP II-VI-BASED
COMPOUND SEMICONDUCTOR, AND METHOD FOR
ADJUSTING FERROMAGNETIC CHARACTERISTICS THEREOF**

Attorney Docket Number: **042880**

Customer Number: **38834**

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

May 17, 2007

Sir:

This paper is submitted in response to the Official Action dated May 3, 2007.

In the Action, restriction is required between Group I (Claims 1-5) and Group II (Claims 6-13).

Applicants hereby provisionally elect the subject matter of Group I (Claims 1-5) for prosecution in this application. This election is made with traverse.

The Examiner alleged that the invention as claimed does not define a special technical feature distinguishing the claimed invention over the prior art. However, without specific finding of patentability, the issue cannot be addressed. The issue will be discussed upon receiving the rejection on the merits.

As provided at 37 CFR § 1.475(b), a national stage application containing claims to different categories of invention can be considered to have unity of invention if the claims distinguishable over prior art are drawn only to one of the following combinations of categories:

- (1) A product and a process specially adapted for the manufacture of said product; or
- (2) A product and process of use of said product; or
- (3) A product, a process specially adapted for the manufacture of the said product, and a use of the said product; or
- (4) A process and an apparatus or means specifically designed for carrying out the said process; or
- (5) A product, a process specially adapted for the manufacture of the said product, and an apparatus or means specifically designed for carrying out the said process.

The present application satisfies the combination of categories of above (1).

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

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